

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
v. : **CRIMINAL NO. 17-942-M**
ERNEST KEITH, JR. :

GOVERNMENT'S MOTION FOR DETENTION PENDING REMOVAL

In accordance with 18 U.S.C. § 3142(e), the United States of America moves for detention of the defendant, Ernest Keith, Jr., pending his removal to the Western District of North Carolina (“WDNC”). The defendant is a significant flight risk. He was indicted in WDNC on June 21, was advised of the indictment on June 23, 2017, and was given the opportunity to self-surrender. Instead of appearing on the charges, the defendant left his most-recent known location, and eventually headed north, eluding federal authorities’ attempts to arrest him. On July 11, 2017, Philadelphia Police Officers ran the license plate of a car the defendant was driving, found that he was wanted on the instant case and arrested him. The evidence against the defendant is strong and the defendant faces a significant prison sentence if convicted, providing a substantial incentive for him to flee. The nature of the current case, his prior criminal history, his flight after he was advised of the pending charges, and his lack of significant ties to any relevant jurisdiction all establish that no condition or combination of conditions will reasonably assure the defendant's appearance as required. The government moves

pursuant to 18 U.S.C. §§ 3142(e) and (f) for detention of the defendant pending his removal to WDNC.

I. THE FACTS

In support of this motion, the government makes the following representations and proposed findings of fact:

A. The Evidence In This Case

1. On June 21, 2017, a grand jury sitting in the WDNC, returned an indictment charging the defendant with mail fraud and wire fraud, in violation of 18 U.S.C. §§ 1341 and 1343, in relation to an elaborate and sophisticated fraud scheme that resulted in a loss of more than \$680,000.

2. The Assistant United States Attorney from the WDNC who is prosecuting this case has advised that the evidence in this case is strong and the likelihood of conviction is great. The evidence includes recorded admissions by the defendant, to a third party, to the charged criminal activity.

B. Maximum Penalty and Guidelines Sentence

The defendant faces a maximum term of 20 years imprisonment. The defendant faces an estimated Sentencing Guidelines Range of at least 57-71 months. The likelihood of conviction and the substantial prison sentence the defendant faces provide a strong incentive for him to flee again should he be released.

C. Post-Indictment Pre-Arrest Flight

The defendant received a target letter in this case and was appointed counsel in the WDNC. He was indicted on June 21, 2017 and was advised of the indictment, through

counsel, on June 23, 2017. He was given the opportunity to self-surrender to face the charges. Instead, the defendant left his most-recent known location, and eventually headed north, eluding federal authorities attempts to arrest him. Fortunately, on July 11, 2017, Philadelphia Police ran the license plate of a car the defendant was driving in Philadelphia, found that he was wanted on the instant case, and arrested him.

D. Community Ties/Employment/Likelihood of Flight

Keith has no known current ties to the WDNC or to the EDPA. In fact, he appears to have no significant ties to any community. He appears to have moved from place to place in recent times, with recent known brief stays in Maryland and Virginia. He has no known legitimate employment.

II. CONCLUSION

Nothing short of pretrial detention can ensure the appearance of this defendant.

WHEREFORE, for all of the reasons stated above, the government respectfully requests that its Motion for Pretrial Detention be granted.

Respectfully submitted,

LOUIS D. LAPPEN
Acting United States Attorney

/s/ Thomas R. Perricone
THOMAS R. PERRICONE
Assistant United States Attorney

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PRETRIAL DETENTION ORDER

AND NOW, this _____ day of July, 2017, after an evidentiary hearing and argument of counsel for the government and the defendant, the Court finds that the government has proved by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required

The Court makes the following findings of fact:

1. The evidence in this case is strong and the likelihood of conviction is great.
2. Upon conviction, the defendant faces a maximum term of 20 years imprisonment. In addition, the defendant's sentencing guideline range of at least 57-71 months.
3. The strength and nature of the case against the defendant and the sentence the defendant faces if convicted, provide a substantial incentive to flee.
4. The defendant's attempts to evade apprehension after being advised of the charges against him establish that, if released, he is not likely to appear as required to face the pending charges.

Therefore, IT IS ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable,

from persons awaiting or serving sentences or being held in custody pending appeal; that the defendant be afforded reasonable opportunity for private consultation with counsel; and that, on order of a Court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

BY THE COURT:

HONORABLE DAVID R. STRAWBRIDGE
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that a copy of the Government's Motion for Detention and Proposed Order was served by electronic delivery on:

Nancy MacEoin, Esquire

/s/ Thomas R. Perricone
THOMAS R. PERRICONE
Assistant United States Attorney

Date: July 13, 2017